

Zoning Commission

MINUTES

Public Hearings - Regular Meeting

May 18, 2015

7:30 p.m.

Upper Level Meeting Room

MEMBERS PRESENT: Mr. Averill, Mr. Reich, Mr. Solley, Mr. Sorce,  
Mr. Werkhoven  
ALTERNATE PRESENT: Mr. Sivick  
ALTERNATE ABSENT: Mr. Wyant  
STAFF PRESENT: Mrs. Hill  
ALSO PRESENT: Atty. Slater, Mr./Mrs. Speigel, Mr. Gormley,  
Mr. Schiaroli, Mr. Talbot, Mr. Fitzgerald,  
Mr./Mrs. Solomon, Ms. Purnell, Atty. Fisher,  
Mrs. Giampietro, Mr. Berry, Mr. Szymanski,  
Mr. M. Fisher, Mr. Stickles, Mr. Adjmi,  
Mr. Kelly, Residents

PUBLIC HEARING

Petition to Delete Section 11.6.2 of the Zoning Regulations/30 Ft.  
Setback Requirement from Town Boundary Lines

Mr. Solley called the public hearing to order at 7:33 p.m. and seated Members Averill, Reich, Solley, Sorce, and Werkhoven. He then explained the reason for the hearing and read Section 11.6.2, which the petitioner had requested be eliminated.

Representing Mr. and Mrs. Speigel, Atty. Slater spoke at length about the reasons he thought this regulation should be deleted. During his presentation he submitted the following documents: 1) "Topographic Survey-Overall Plan," sheet 1 of 3, by Smith and Company, dated 5/2/14, 2) "Main House and Garage First Floor Plan," sheet A1.1, by Ferguson and Shamamian, dated 3/12/2014, 3) "Zoning Setback Illustration," no signature or date, 4) a copy of CGS 8-3a, 5) a copy of CGS 8-2, 6) "A Presentation by Anthony J. Homicki, CCMA IIm Dated May 13, 2105, A Town Assessor's Role in Taxing Border Parcels in Connecticut," with several attachments, and 7) A memo re: "Ordinance .com Search for Town/Municipal Boundaries Treated as Title Boundary Lines for Zoning Setbacks," to Mr. Slater, from Ms. McKeon, dated 5/14/15 and these were referred to throughout his discussion. Atty. Slater stated that treating a town boundary as if it were a property line serves no purpose. He described the addition to their house that his clients propose and explained why being able to construct this addition so that it straddles the town boundary line was a common sense approach that would avoid blasting and grade issues. He said he had never heard of a zoning regulation

that treated a town boundary as though it was a property boundary and had never heard of any problems due to towns not having this regulation. He stated that Washington's regulation is unusual; that only two of the 168 towns in CT that have zoning regulations have a town boundary line setback. He also stated that issues such as enforcement of the Building Code or taxation were not under Zoning's jurisdiction per state statute and so should not be justification for retention of this section. He read portions of the state statutes.

Mr. Schiaroli, retired Building Official, said he had experience inspecting structures that straddle town lines, noted the State Building Inspector's Office would settle any disputes over jurisdiction, and added he had never encountered a problem when inspecting such structures.

Atty. Slater then spoke about Assessors' duties and how computing the taxes for each town was a simple mathematical process, and he reviewed Mr. Homicki's report. He noted that New Milford does not have this setback regulation, yet this has not been a problem, which has resulted in assessment appeals. He argued again that Washington's regulation serves no purpose, that it takes a right away from the property owner, and he asked the Commission to adopt the same regulation that all other CT towns, except Andover, have.

The commissioners then asked several questions about the Speigel house and property; where the Town boundary line was located, what part of the house now exists, was part of the existing house within the 30 ft. Town line setback, how much of the living area of the house was proposed to cross the Town line, etc. The Town boundary line's location in relation to the existing house was noted.

Mr. Speigel stated that he owns all of the property in question; both sides of the Town line.

Mr. Solley stated he had served for many years as the Town's Zoning Enforcement Officer and did not recall ever having to deal with this issue or the rationale behind it's adoption. He noted Washington is bound by not one, but eight other towns. He then read the following documents, which had previously been submitted; 1) the 5/13/15 report from the Planning Commission against the deletion of Section 11.6.2, 2) the 2/9/15 from Mrs. Locher, Washington Assessor, against the petition, 3) the Northwest Hills COG staff comments from Ms. Ayer, which stated careful review was merited due to possible problems with taxation and access, 4) the 4/6/15 Western Ct. COG staff comments by Mr. Chew, which stated the referral was of local concern, but with minimal inter-municipal impact, and 5) 5/13/15 email from Mrs. Locher to Mrs. Hill reporting a conversation she had with the New Milford Assessor, who thought that deletion of 11.6.2 would create both

problematic logistical ramifications for assessment and a legal liability for each town that would otherwise not exist.

Mr. Solley asked for questions and comments from the public.

Mr. Gormley, a land use consultant with past Building Official and Zoning enforcement experience, stated he had dealt the buildings that straddled both town and state boundary lines and had never had any problems. He spoke in favor of the petition.

Atty. Slater said he agreed with Mr. Homicki's analysis and Mr. Gormley agreed.

Mr. Talbot asked if it would be difficult to realign the Town boundary line and whether this would be possible. A brief discussion followed regarding whether this might be possible.

Atty. Slater noted the Planning Commission had found the elimination of Section 11.6.2 was not inconsistent with the POCD, but that it had recommended denial due to ensure the integrity of the Zoning Regulations. He said he did not know what this meant and he questioned the validity of Planning's action. Regarding enforcement matters on properties where buildings straddle town lines, he stated the Town would have the same rights for enforcement as for all other properties; that there was nothing unique in enforcing regulations just because a building straddles a town line. He also advised the Commission that the zoning statutes do not authorize the adoption of a zoning regulation to make assessment simpler.

In response to a question from Mr. Sorce, Atty. Slater said there was no hard and fast rule regarding allocation and taxes and said the square footage of the building in each town could be used or given the case of a building in one town with its parking lot in another, a percentage of the value of the entire property could be used.

Mr. Averill asked if the property owner read the Zoning Regulations prior to purchasing the property. Mr. Spiegel said he had not.

Mr. Spiegel's previous application to the ZBA and the reasons he thought he should have been granted a variance were reviewed.

Mr. Reich asked if it would be possible for the Commission to change this regulation for only a brief period. Mr. Solley said a vote to delete this section would be final.

Public hearing and notice requirements were briefly noted.

MOTION: To close the public hearing to consider the petition to delete Section 11.6.2 of the Washington Zoning Regulations. By Mr. Averill, seconded by Mr. Reich, and passed 5-0.

Mr. Solley closed the public hearing at 8:50 p.m.

50 Bell Hill Road, LLC./50 Bell Hill Road/Special Permit:  
Sections 4.4.15 and 12.6.1.C/General Home Occupation/Architect's  
Office

Mr. Solley called the hearing to order at 8:55 p.m. and seated Members Averill, Reich, Solley, Sorce, and Werkhoven. He then read the list of documents in the file.

Mr. Talbot proposed to convert a portion of his house, 22.8%, to an office. He noted his father used to have a larger studio in the same house. He presented an enlarged aerial photo of the 3 acre property and noted the proposed office would have no impact on lot coverage or existing parking. He offered to enhance the hemlock buffer to block the view of parking from the road if the Commission required it. The plan, "Site Plan and Zoning Notes- Home Office Submission," 2 sheets, by Peter Talbot AIA Architects, dated 4/23/15 was reviewed and the floor plan studied. Mr. Talbot then reviewed his 4/29/15 update, which briefly stated how the proposed office would comply with each of the requirements of Section 12.6.1.C. He specifically noted that he understood he could have no more than two employees and stated he did not anticipate that his current business would grow. One change to his 4/29/15 statement was the addition of an exterior light fixture to be mounted at the door.

Mr. Solley asked if he currently lives in the house. Mr. Talbot said he did not, but said he would move in and this would become his primary residence if and when his office was moved to this location. Mr. Solley stated this would be a condition of approval.

Mrs. Hill noted the proposed office complies with the requirements of Section 12.6.1.C.

MOTION: To close the public hearing to consider the Special Permit application: Sections 4.4.15 and 12.6.1.C submitted by 50 Bell Hill, LLC. for a general home occupation/architects office at 50 Bell Hill Road. By Mr. Sorce, seconded by Mr. Averill, and passed 5-0.

Mr. Solley closed the public hearing at 9:05 p.m.

Lake Waramaug Country Club/22 Golf Links Road/Special Permit:  
Section 6.4.13/Additions and Renovations to the Club House, Etc.

Mr. Solley called the public hearing to order at 9:06 p.m. and seated Members Averill, Reich, Solley, Sorce, and Werkhoven. He read the list of documents in the file.

Mr. Talbot, architect, submitted the 5/18/15 letter of authorization from Mr. Fitzgerald and revised plans, "Lake Waramaug Country Club," 8 sheets, by Peter Talbot AIA Architects,

dated 4/23/18 and revised to 5/18/15. He explained the minimal upgrade and additions to the club house were planned for the May 2016 centennial of the club and it was hoped they would serve the club for the next 100 years. He presented four black and white photos of the club house ranging from 1926 to the present.

The site plan, sheet SP.101, was studied. Mr. Talbot noted the footprint of the club house would be increased by 1800 sq. ft. but that this 7.58% lot coverage would be under the maximum permitted. The proposed floor plan, was reviewed and the improvements for "back of house uses" were noted. A new entry, handicapped accessible bathrooms, covered porch, and storage addition were proposed on the first floor and an office and storage on the second floor. The existing and proposed elevations were compared and proposed change in the roof line noted. Mr. Talbot stated that new vents would be directed up to decrease their sound and all noise generating equipment would have enclosures. Outside, he said the overhead power lines running above the parking lot would be buried and low ballard lights installed. Seven 4 ft. tall Dark Sky friendly ballards with low ambient light would be strategically placed throughout the parking lot. He also noted that landscaping would be installed to screen the neighbors to the north. In addition, the propane tank would be relocated, the dumpster enclosure rebuilt, and a large water storage tank removed.

Mr. Talbot stated the use of the property would not change and the traffic on local roads would not be impacted. He noted the number of required parking spaces had been computed and these were shown on the site plan; 20 in Kent and 24 in Washington.

Mr. Solley asked if the changes to the club house were to generate new membership. Mr. Talbot responded there was no intent to increase either the use or the membership. Mr. Fitzgerald, Club president, stated there was a 185 family cap and there was no plan to change that.

No comments from the neighbor to the northeast had been received and there were no questions from the public.

Mr. Werkhoven asked if there was any building proposed within 30 ft. of the Town line. Mr. Talbot said there was not.

MOTION: To close the public hearing to consider the Special Permit application: Section 6.4.13 submitted by the Lake Waramaug Country Club for additions and renovations to the club house, reconfiguration of the parking lot, demolition of the storage shed, etc. at 22 Golf Links Road. By Mr. Averill, seconded by Mr. Sorce, passed 5-0.

Mr. Solley closed the public hearing at 9:25 p.m.

Berry/72 New Milford Turnpike/Special Permit: Section 13.11.3/  
Detached Accessory Apartment

Mr. Solley called the public hearing to order at 9:27 p.m. and seated Members Averill, Reich, Solley, Sorce, and Werkhoven. He read the list of documents in the file.

Mr. Berry stated that when he had purchased the property the barn already had electricity and plumbing and that since then he had installed a new septic system, a bathroom, and kitchen. He noted the house on the property is his residence and he read his written statement, dated 4/25/15, regarding how the proposed apartment complies with all of the requirements of Section 13.11.3.

Mr. Solley briefly reviewed Mrs. Hill's 5/15/15 report and noted there had been a question about the second story floor plan. Mr. Berry stated this was just an open loft area and its sq. footage had been included in the computations.

There were no questions or comments from the public.

MOTION: To close the public hearing to consider the Special Permit application: Section 13.11.3 submitted by Mr. Berry for a detached accessory apartment at 72 New Milford Turnpike. By Averill, seconded by Mr. Werkhoven, and passed 5-0.

The public hearing was closed.

REGULAR MEETING

Mr. Solley called the meeting to order at 9:34 p.m., seated Members Averill, Reich, Solley, Sorce, and Werkhoven, and noted Alternate Sivick was present.

Consideration of the Minutes

MOTION: To accept the 4/27/15 Regular Meeting minutes as written. By Mr. Werkhoven, seconded by Mr. Reich, and passed 5-0.

MOTION: To accept the 4/28/15 and 5/13/15 subcommittee meeting minutes as written. By Mr. Solley, seconded by Mr. Reich, and passed 2-0.  
(Only subcommittee members who had attended both meetings voted.)

Pending Applications

50 Bell Hill Road, LLC./50 Bell Hill Road/Special Permit: Sections 4.4.15 and 12.6.1.C/General Home Occupation/Architect's Office:

Mr. Solley said the application was straightforward, but required a condition that the Talbots reside in the dwelling before opening the office.

Mr. Sorce asked if the Commission would require additional buffering. Mr. Solley stated that since there would be no exterior changes and there are already natural plantings along Bell Hill Road, he did not think this was necessary. Mr. Werkhoven agreed and said it was difficult to see through the existing buffer. Mr. Solley said there was nothing to prevent Mr. Talbot from adding more plants on his own.

MOTION: To approve the Special Permit application:  
 Sections 4.4.15 and 2.6.1.C submitted by 50 Bell Hill, LLC. for a general home occupation/ architect's office at 50 Bell Hill Road per the plans, "Site Plan and Zoning Notes - Home Office Submission," 2 sheets, by Peter Talbot AIA Architects, dated 4/23/15 and the 4/29/14 transmittal from Mr. Talbot to the Zoning Commission subject to the following condition: that as required by Section 12.6 of the Zoning Regulations, Mr. Talbot must reside on the premises in order for this Special Permit to become effective. By Mr. Solley, seconded by Mr. Werkhoven, and passed 5-0.

Lake Waramaug Country Club/22 Golf Links Road/Special Permit: Section 6.4.13/Additions and Renovations to the Club House, Demolition of Storage Shed, Reconfiguration of Parking Lot, Etc.:

Mr. Solley noted that all of the issues raised in Mrs. Hill's 5/15/15 administrative report had been addressed. The proposed lighting was briefly discussed and it was noted Mr. Talbot had indicated it would be Dark Sky compliant.

MOTION: To approve the Special Permit application:  
 Section 6.4.13 submitted by the Lake Waramaug Country Club for additions and renovations to the club house, demolition of the storage shed, reconfiguration of the parking lot, adding a propane tank in an enclosure, and burying the overhead utility lines at 22 Golf Links Road per the plans, "Renovations and Additions to the Lake Waramaug Country Club," 8 sheets, by Peter Talbot AIA Architects, dated 4/23/15 and revised to 5/18/15 and subject to the comment

by Mr. Talbot that the existing outdoor lighting he referenced in his opening comments will be brought into compliance with the Zoning Regulations and will be Dark Skies compliant. By Mr. Solley, seconded by Mr. Sorce, and passed 5-0.

Berry/72 New Milford Turnpike/Special Permit: Section 13.11.3/  
Detached Accessory Apartment:

It was noted the existing apartment was a small one in an existing accessory building on a large lot. There were no outstanding issues to be addressed.

MOTION: To approve the Special Permit application: Section 13.11.3 submitted by Mr. Berry for a detached accessory apartment at 72 New Milford Turnpike per the undated floor plan and the 4/25/15 written statement by Mr. Berry. By Mr. Solley, seconded by Mr. Werkhoven, passed 5-0.

New Application

Tittmann/18 East Shore Road/Special Permit: Section 7.4.17:  
Eating and Drinking Establishment and Section 7.6: Reduction in  
Minimum Setback Requirements:

Mr. Tittmann had been notified about additional information that must be provided. A public hearing was scheduled for Monday, June 22, 2015 at 7:30 p.m. in the upper level meeting room.

MOTION: To schedule a public hearing at 7:30 p.m. on Monday, June 22, 2015 in the upper level meeting room to consider the Special Permit application submitted by Mr. Tittmann, 18 East Shore Road; Section 7.4.17: Eating and Drinking Establishment and Section 7.6: Reduction in Minimum Setback Requirements. By Mr. Solley, seconded by Mr. Werkhoven, and passed 5-0.

Other Business

Petition to Delete Section 11.6.2 of the Zoning Regulations/30 Ft.  
Setback from Town Boundary Lines:

Mr. Solley noted there had been a lot of information received from the petitioner's counsel as well as Washington's Planning Commission and Assessor and the Northwest Hills and the Western CT COG. He stated his research found this regulation had been established in the early 1980's and noted the Commission was



not in the habit of changing the Regulations for one specific applicant. He asked for the opinions of the commissioners.

Mr. Averill noted the Commission was being asked to change a long standing regulation for the convenience of one applicant who does not live in Town and that the only people who spoke in favor of the revision were the applicant and his attorney. He said those who wrote against the petition did so in the interest of more than just one applicant. He said he did not think the Commission should set a "dangerous" precedent by changing the Regulations for the benefit of one person and he thought it should be left as now written.

Mr. Sorce disagreed. He stated the three arguments raised against the petition had been taxation, building code, and access and that he thought these had been adequately addressed by the petitioner. He believed the regulation was outdated, that since the 1980's computers and emails had come into use so management of situations where buildings straddle town lines could be handled easily, noted that very few properties would be involved so this issue would rarely come up, and said the homeowner had good cause. He was in favor of deleting this section.

Mr. Averill did not think the Commission had to justify its Regulations and said he did not think that wanting a garage addition was reason enough to revise them.

Mr. Solley expressed the issue in terms of whether the regulation should be changed to accommodate a property owner or whether the property owner should reconfigure his plans to comply with the Regulations. He said he did not know the rationale for the adoption of this section in the early 1980's.

Mr. Werkhoven asked why the Planning Commission had recommended against the elimination of this section. Mrs. Hill responded that the reasons were in Planning's minutes, but she said those commissioners generally thought that an issue on one property was more appropriate for the Zoning Board of Appeals than a petition to eliminate the regulation.

Mr. Reich said he was "embarrassed" to have a zoning regulation that could not be historically or practically justified. He said Atty. Slater's arguments were compelling and he was inclined to vote to eliminate this section.

Mr. Werkhoven thought the regulation may have been logical in 1981, but he questioned its relevance now. He did not think its elimination would impact the surrounding towns and so thought it should be taken out.

Mr. Solley said he had dealt with the Zoning Regulations since 1974 and this matter had never been a problem, perhaps because applicants read and followed the Regulations. Since this was the first time in 40 years this had come up, he said he would support the integrity of the Regulations. He suggested that if

the Zoning Commission denied the petition, the ZBA might change its opinion regarding hardship in this case. He said there would be recourse for the applicant to go back to ZBA with a different argument. He also noted the petition required a super majority to pass because the Planning Commission had voted against it.

Mr. Solley did not think the Zoning Commission had to justify its Regulations. He suggested the vote might be deferred to research the rationale behind it or that the Commission might take up this matter on its own rather than change the regulation for a single property owner.

It was noted the Commission could either a) take a vote now, which would deny the petition 3-2 or b) postpone the vote while the background of the regulation was researched. Mr. Sorce asked how the Commission could address the petition and then make a change to the regulation, which would not require a super majority approval. Mr. Solley thought perhaps this might be accomplished if this matter was considered by the Revision of the Regulations subcommittee.

MOTION: To delay the vote on the Petition to delete Section 11.6.2 of the Zoning Regulations to the next meeting in order to gather additional information. By Mr. Werkhoven, no second.

(Due to technical difficulties with the recording device, there was a brief recess to get another recorder. Deliberations resumed at 10:30 p.m.)

MOTION: To approve the Petition to delete Section 11.6.2 of the Zoning Regulations, 30 ft. setback from town boundary lines, as submitted. By Mr. Sorce, seconded by Mr. Werkhoven, and denied 3-2. Mr. Averill voted against because he thought the Petition was for the benefit of a single property owner rather than in the interests of the entire town and he did not want to set a precedent. Mr. Solley voted against because he did not want to change the Regulations for one specific applicant, said there had never been a problem with this section, and he thought the Commission should support the integrity of the Regulations.

There was a brief discussion regarding the legal process for amending the Regulations and whether a meeting to discuss this regulation should be a subcommittee meeting or a meeting of the entire Commission.

MOTION: That the Zoning Commission consider the possible revision of Section 11.6.2 as soon as possible at a special meeting convenient to all of the Members. By Mr. Sorce, seconded by Mr. Solley, and passed 4-0-1.  
Mr. Reich abstained because he was not confident that a solution would be possible in the next 4 to 5 months.

Later in the meeting a Special Meeting was scheduled for Thursday, June 4 at 7:30 p.m. in the upper level meeting room.

101 Wykeham Road, LLC./101 Wykeham Road/Request to Revise the Settlement Agreement:

Mr. Solley noted that a partner in the firm representing the applicant was representing him on another matter and that he did not consider this to be a conflict of interest.

Mr. Solley stated the consideration of this request was not a public hearing and that he expected the discussion would take place over at least two meetings. He also stated he would permit some public input although it was not required.

Atty. Fisher briefly reviewed the circumstances whereby the Settlement Agreement had been approved and litigation had been ended in 2013. He then explained that any revisions to the Settlement Agreement must be approved by all four parties who signed the original agreement and that all but the Zoning Commission had signed off on the proposed revisions. He stated the Paligroup, who now owns the property, had reviewed the Settlement Agreement and saw areas where the plans could be improved. He quickly reviewed the proposed revisions, which he said were not significant. These included 1) the appearance of the main building, 2) the elimination of the three cottages, 3) reduction in the footprint of the main building, and 4) reduction in the total lot coverage by 1%. He said there was no change in the number of parking spaces, rooms in the inn, or seating capacity of the restaurant. He stated the Washington Zoning Regulations do not require a public hearing to consider the modification of a site plan and that he had consulted with the Commission's attorney and said she agreed a public hearing was not necessary. He noted the May 18, 2015 letter from Atty. McTaggart on behalf of opponents of the proposed plan, but said he had not had time to read it or to respond.

Mr. M. Fisher from the Paligroup explained that Palihouse is a luxury brand with international connections that has experience with hospitality properties in residential neighborhoods. He said the group proposed changes within the existing approval.

Mr. Szymanski, engineer, reviewed the site plan, Sheet COMP, by Arthur H. Howland and Associates, dated 5/11/15, which he described as a comparison of what was approved vs. what was proposed. He stated that 1) the driveway approach had not changed, 2) some of the parking spaces had been relocated, 3) the spa building was the same size and in the same location, 4) the length of the main building had been shortened by 60 feet, 5) the sq. footage of the main building had been reduced by 2000 sq. ft., 6) the terrace in front of the main building had been expanded, 7) the three cottages and their associated parking had been eliminated, 8) disturbance to the wetlands and clearing of the forest had been reduced, 9) driveway #2 had been eliminated and would serve only as an emergency access to the poolhouse, 10) the pool had been rotated, 11) retaining walls would be constructed in the vicinity of the pool and the landscape buffer increased, 12) the hardscape around the pool had been increased, 13) the east side service entrance had been eliminated because service vehicles would make deliveries at the main entrance, 14) impervious surfaces had been reduced by 12%, and 15) the stormwater management system had not been changed.

Mr. Adjmi, architect, showed the elevation of the main building that had previously been approved and a rendering of what was now proposed. He said he had done research on barn structures and felt this was a more appropriate design that reduced the overall footprint. He noted that landscaping would help to buffer the main building from view of the road and adjacent properties.

Mr. Kelly, landscaper, stated that his plan incorporated all of the approved elements and proposed improvements. He said he wanted the property to feel residential. He noted many types of trees; deciduous, fruit, and flowering, had been added to the plan, while mowed areas had been reduced. He presented several photos to show the "feel" he was trying to create. He also noted that the proposed stonework and fencing would be "vernacular."

Mr. Solley noted the Settlement Agreement had included many evergreens to buffer the parking area on the north side and asked if this screening had been changed. Mr. Kelly said deciduous trees had been included to give it a more natural look. He noted that trees had been added around the parking lot and pool area, where he said 5,000 trees would be added. Mr. Solley asked if the buffering in the extreme NW corner had been left out for a reason and pointed out a gap, noting that neighbors do not want to look at a parking lot. Mr. Szymanski said they would look at that area closely.

Mr. Kelly spoke about the maintenance of the proposed managed meadows and of the wildlife habitats that would be created.

In response to a question by Mr. Solley, Mr. Szymanski briefly reviewed the infrastructure plans. He said although the impervious surfaces in the upper portion of the property had been reduced, the stormwater management system would function the same and would still discharge into pond #1. Sewage would be discharged by gravity to the same location and then the effluent would be pumped to the existing leaching fields. Mr. Solley asked if the state had approved the septic plans. Mr. Szymanski stated the existing system was large enough and the state review was ongoing. He then reported that the water system had been sold to Aquarian and that currently both R.J. Black and Aquarian were being consulted. Mr. Szymanski stated the previously approved pump house would be used and a new well would be drilled if there were capacity issues. He noted that water would not be drawn down during peak hours so that there would be no impact to service on the neighboring properties. Mr. Solley noted that Washington Green residents were very worried about their water supply.

Mr. Solley asked if the entrance driveway was still one way. Mr. Szymanski said it was.

Construction of the driveway was discussed. Mr. Solley asked if a fire truck or ambulance would be able to reach the poolhouse. Mr. Szymanski said, yes, the turning radius would accommodate both or he offered to add a hydrant by the poolhouse if the Commission wanted one. Mr. Solley asked if there would be sprinklers in the buildings. Mr. Szymanski said the buildings would comply with the commercial sprinkler code.

Mr. Solley noted it looked like the driveway goes into the portico. Mr. Szymanski said it does and that was the main entrance. Mr. Solley asked if that was the only portion of the building that was subgrade. Mr. Szymanski said, yes, but it did not extend all the way to the end of the building and that there were only mechanical rooms at that level.

Possible problems with the dumpster were noted. Mr. Szymanski said this would be self policing because it would be located near the main entrance.

Mr. Solley asked if there would be problems with the coordination of services. Mr. Szymanski said service deliveries would be scheduled for off hours.

Mr. Solley asked Mr. Fisher how thoroughly he researched this project, noting the recent demise of many area inns. Mr. Fisher said they had done a tremendous amount of analyzing and that they believe in the power of the Paligroup brand. Mr. Solley asked if the main structure could be repurposed, converted to apartments, for example, should the inn fail. Mr. Fisher responded that he had not considered that.

Mr. Solley asked Atty. Fisher if the deed restricted area was restricted in perpetuity. Atty. Fisher said with regard to

the Settlement it is permanent and could not be changed without the Commission's and other three parties' approval. Mr. Solley asked what entity has jurisdiction over the conservation easement area. Atty. Fisher stated the owners were not applying for any use of the deed restricted area, nor had they thought about it. He added that he would check the Settlement Agreement for details.

Mr. Solley noted the late hour and said he would give the public the opportunity to speak at the next meeting.

Atty. Fisher again stated the changes proposed were minor and were improvements and he wanted the Commission to consider only the proposed changes and not the basic provisions of the Agreement such as number of rooms, number of parking spaces, etc.

Mr. Solley asked Atty. Fisher whether he considered the Settlement Agreement to be the same as a Special Permit. Atty. Fisher noted the Agreement did not mention a Special Permit, but was a process by which the parties came together to end litigation and that this had been approved by a judge.

Mr. Solley stated this matter would be on the agenda of next month's meeting.

Enforcement Report: Mr. Solley asked the commissioners to read this on their own.

Correspondence: Mr. Solley noted the 5/18/15 letter from Mr. Zekas, Gunnery Business Manager. Mr. Zekas requested a preliminary discussion with the Commission at the June meeting regarding the demolition of a garage and subsequent construction of an accessory apartment on The Gunnery property. This matter will also be placed on next month's agenda.

Privilege of the Floor: Mr. Solomon said that residents had been lead to believe that they would have the opportunity to speak about Wykeham at tonight's meeting and so asked if the public would have the opportunity to speak at the next meeting. He also asked if the commissioners had received Atty. McTaggart's letter. Mr. Solley said the public would be permitted to speak at the next meeting and that, yes, the commissioners all got a copy of the letter.

Administrative Business: Mr. Solley reported that the Revision of the Regulations subcommittee was near the end of work on phase II of the revision of the Regulations. The next step would be a full review by the Commission and then to send the proposed draft to the COGs and to the Planning Commission for review.

MOTION: To adjourn the Meeting. By Mr. Averill.

Mr. Solley adjourned the meeting at 11:40 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted, Janet M. Hill, Land Use Administrator

Zoning Commission  
May 18, 2015

Dated 5/20/15

By \_\_\_\_\_  
Janet M. Hill  
Land Use Administrator